



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

MERCY HEALTH SYSTEM OF SOUTHEASTERN PENNSYLVANIA,	)	
Plaintiff,	)	CIVIL ACTION
	)	Case No. 01-CV-5681
-vs-	)	
	)	
CSI FINANCIAL, INC.,	)	
Defendant.	)	
	)	
FIRST NATIONAL BANK OF MONTANA, INC., and CSI FINANCIAL, INC.,	)	
Plaintiffs,	)	CIVIL ACTION
	)	Consolidated
-vs-	)	
MERCY HEALTH SYSTEM OF SOUTHEASTERN PENNSYLVANIA,	)	
Defendant.	)	

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**DEPOSITION OF NEYSHA ANN HUMPHREYS**

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Heard at the offices of Lesofski & Walstad Court Reporaing  
21 North Last Chance Gulch, Suite 201  
Helena, Montana  
July 14, 2004  
9:03 a.m.

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## DEPOSITION OF NEYSHA ANN HUMPHREYS

<p>1   <b>findings?</b></p> <p>2   A. I did.</p> <p>3   <b>Q. And who was that report given to?</b></p> <p>4   A. The CEO and the Audit Committee and the board.</p> <p>5   <b>Q. Anybody else?</b></p> <p>6   A. No.</p> <p>7   <b>Q. Do you know if anybody else, to date, has seen that report?</b></p> <p>8         MR. DAY: Besides counsel?</p> <p>9         MS. SCRIVANI: Besides counsel.</p> <p>10        THE WITNESS: I do not. I know that the external auditors have seen it and the OCC examiners have seen it.</p> <p>11       <b>Q. (By Ms. Scrivani) Who are the OCC examiners?</b></p> <p>12       A. Office of the Comptroller of the Currency, our regulators. And I don't remember which examiners were on that exam.</p> <p>13       <b>Q. That was my question, did you know their names specifically?</b></p> <p>14       A. I do not remember who was on that exam.</p> <p>15       <b>Q. You don't.</b></p> <p>16       <b>And when you say that exam, what exam are you talking about? Is there a time period?</b></p> <p>17       A. We are examined every 18 months by the OCC. They come in-house. However, the report -- and they review</p>	<p>Page 149</p> <p>1   <b>Q. Is that something that they would ordinarily have access to?</b></p> <p>2       A. They would have access to, but they usually will review workpapers on a random selection basis. They don't every exam come in and review all my workpapers.</p> <p>3   <b>Q. Was there anything else that you prepared as a result of your November 2001 review?</b></p> <p>4       A. There was electronic spreadsheet with the field work detailed on it. The report and the findings are a summary of what's in those spreadsheets.</p> <p>5   <b>Q. Who would have seen the electronic spreadsheet?</b></p> <p>6       A. I don't know because I don't know if it's in with the stuff that went to the attorneys or not.</p> <p>7   <b>Q. Let me back up. With respect to the people you listed as having seen your report?</b></p> <p>8       A. Oh, none -- no, none of them.</p> <p>9   <b>Q. None of those people have seen it?</b></p> <p>10       A. No.</p> <p>11       <b>Q. Including the OCC examiners?</b></p> <p>12       A. Correct. If they reviewed the workpapers, they would have seen them. If they didn't review the workpapers, they would not.</p> <p>13       <b>Q. Okay. So that would be included with your workpapers?</b></p> <p>14       A. Yes. There would be a hard copy in the</p>
<p>Page 150</p> <p>1   our minutes, yeah, when they come in.</p> <p>2   <b>Q. But your understanding that the OCC examiners have seen the report that you prepared as a result of your November 2001 review?</b></p> <p>3       A. Yes.</p> <p>4   <b>Q. How do you know that they have seen it?</b></p> <p>5       A. Because they review the minutes to the board of directors' meetings and it's an attachment to the Audit Committee report in the board of directors' meeting packet.</p> <p>6   <b>Q. Anybody else?</b></p> <p>7       A. Not that I know of. Oh, well, there's the compliance officer, who is the CFO.</p> <p>8   <b>Q. The bank's CFO?</b></p> <p>9       A. The bank's CFO and President Partain's assistant.</p> <p>10   <b>Q. Anybody else?</b></p> <p>11       A. Not that I know of.</p> <p>12   <b>Q. Do you know if the OCC examiners also saw your Procedure and Activities document?</b></p> <p>13       A. Yes.</p> <p>14   <b>Q. They did see it?</b></p> <p>15       A. Yes.</p> <p>16   <b>Q. Do you know if the OCC examiners saw your work notes?</b></p> <p>17       A. I do not.</p>	<p>Page 152</p> <p>1   workpapers.</p> <p>2   <b>Q. And with respect to this, the Procedures and Activities and the report, did the staff auditor that was hired to help out have any role in preparing those documents?</b></p> <p>3       A. No. Preparing what documents?</p> <p>4   <b>Q. Either your Procedures and Activities or the report?</b></p> <p>5       A. No.</p> <p>6   <b>Q. Did you rely on that person's workpapers in drafting either of those two items?</b></p> <p>7       MR. DAY: Objection.</p> <p>8       THE WITNESS: No.</p> <p>9   <b>Q. (By Ms. Scrivani) Why didn't you?</b></p> <p>10       A. Because he was in follow-up procedures that were done after the closing of the initial field work.</p> <p>11   <b>Q. What were those follow-up procedures?</b></p> <p>12       A. I don't recall at this time.</p> <p>13   <b>Q. Did you prepare a report based on those follow-up procedures?</b></p> <p>14       A. I did not do a formal report on that follow-up.</p> <p>15   <b>Q. Did you do anything in writing based on the follow-up?</b></p> <p>16       A. I don't recall. If I did one, it would be in the Audit Committee update.</p>